

RECEIVED
CENTRAL FAX CENTER
NOV 14 2008

f10
11/28

600 SOUTH AVENUE WEST • WESTFIELD, NEW JERSEY 07090
908.654.5000 • FAX 908.654.7866 • WWW.LDLKM.COM



PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

William A. Di Bianca
908.518.6340
wdibianca@ldlkm.com

October 28, 2008

Commissioner For Patents
Office of Initial Patent Examination
Customer Service Center
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Our File: SPINE 3.0-437 CIP CIP CIP CIP CIP CIP I CON V
Application No. 10/663,486
Filing Date: September 16, 2003
Group Art Unit: 3738

Dear Sir:

We are enclosing herewith a copy of a corrected filing receipt dated September 26, 2008 for the above-identified patent application.

Please note that the filing receipt is incorrect. Please insert the following under Domestic Priority data as claimed by applicant:

This application is a CIP of 10/282,356 filed 10/29/02 PAT. 7,169,182
This application is a CIP of 10/309,585 filed 12/4/02 PAT. 7,115,132
This application is a CIP of 10/425,267 filed 4/29/03 PAT. 7,235,081
and said 10/282,356 filed 10/29/02 PAT. 7,169,182
is a CIP of 10/256,160 filed 9/26/02 PAT. 6,989,032
and said 10/309,585 filed 12/4/02 PAT. 7,115,132 and 10/425,267 filed 4/29/03 PAT. 7,235,081
are CIP applications of 10/282,356 filed 10/29/02 PAT. 7,169,182
and said 10/256,160 filed 9/26/02 PAT. 6,989,032
is a CIP of 10/175,417 filed 6/19/02
and said 10/175,417 filed 6/19/02
is a CIP of 10/151,280 filed 5/20/02
and said 10/151,280 filed 5/20/02
is a CIP of both 09/970,479 filed 10/4/01 PAT. 6,669,730 and 10/140,153 filed 5/7/02
and said 09/970,479 filed 10/4/01 PAT. 6,669,730
is a CIP of 09/968,046 filed 10/1/01
and said 10/140,153 filed 5/7/02
is a CIP of both 09/970,479 filed 10/4/01 PAT. 6,669,730 and 10/128,619 filed 4/23/02 PAT.
6,863,689
and said 10/128,619 filed 4/23/02 PAT. 6,863,689
is a CIP of both 09/906,119 filed 7/16/01 PAT. 6,607,559 and 09/982,148 filed 10/18/01 PAT.
6,673,113

915719_1.DOC



Commissioner For Patents
Office of Initial Patent Examination
October 28, 2008
Page 2

Kindly issue a corrected filing receipt for the above-identified application as soon as possible.

Sincerely yours,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

WILLIAM A. DI BIANCA
Reg. No. 58,653

WAD/kj
Enclosures

RECEIVED
CENTRAL FAX CENTER
NOV 14 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, Virginia 22311-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FILED RECD	ATTY DOCKET NO	TOT CLAIMS	IND CLAIMS
10/663,486	09/16/2003	3738	375	SPINE 3.0-437 PPPPPP1CV	10	2

CONFIRMATION NO. 2428

CORRECTED FILING RECEIPT

51640
SPINE MP
LERNER, DAVID, et al.
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090



Date Mailed: 09/26/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Joseph P. Errico, Green Brook, NJ;
Michael W. Dudasik, Nutley, NJ;
Rafael Zubok, Midland Park, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 000530

Domestic Priority data as claimed by applicant

This application is a CON of 10/282,356 10/29/2002 PAT 7,169,182
and is a CON of 10/309,585 12/04/2002 PAT 7,115,132
and is a CON of 10/425,267 04/29/2003 PAT 7,235,081
and said 10/309,585 12/04/2002
is a CIP of 10/282,356 10/29/2002 PAT 7,169,182
and said 10/425,267 04/29/2003
is a CIP of 10/282,356 10/29/2002 PAT 7,169,182
which is a CIP of 10/256,180 09/26/2002 PAT 6,989,032
which is a CIP of 10/175,417 06/19/2002
which is a CIP of 10/151,280 05/20/2002
which is a CIP of 09/970,479 10/04/2001 PAT 6,669,730
and is a CIP of 10/140,153 05/07/2002 ABN
and said 09/970,479 10/04/2001
is a CIP of 09/968,046 10/01/2001 ABN
and said 10/140,153 05/07/2002
is a CIP of 09/970,479 10/04/2001 PAT 6,669,730
and is a CIP of 10/128,619 04/23/2002 PAT 6,863,689
which is a CIP of 09/908,119 07/16/2001 PAT 6,607,559
and is a CIP of 09/982,148 10/18/2001 PAT 6,673,113

page 1 of 3

RECEIVED
CENTRAL FAX CENTER
NOV 14 2008

Foreign Applications

If Required, Foreign Filing License Granted: 12/08/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/663,486**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

INTERVERTEBRAL SPACER DEVICE HAVING RECESSED NOTCH PAIRS FOR MANIPULATION
USING A SURGICAL TOOL

Preliminary Class

623

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific

page 2 of 3

countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).